

MONDAY, FEBRUARY 23, 1998

SIXTY-SEVENTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Reverend David Hagan, Luminary United Methodist Church, Ten Mile, Tennessee.

Representative Ferguson led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative McKee; family illness

Representative Cross; business reasons

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 973: Rep(s). Cooper as prime sponsor(s).

House Bill No. 1262: Rep(s). Dunn and Sargent as prime sponsor(s).

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House Bill No. 1446: Rep(s). Kisber, Burchett, Windle, Godsey, Westmoreland, Tindell, Ritchie, Fraley, Bowers, L. DeBerry, Rhinehart, Givens, Huskey, Armstrong, J. DeBerry, Chumney, Turner(Shelby), Towns, S. Jones, Bone, Whitson, Cooper, Mumpower, Hicks, Cole(Carter), Fowlkes, Eckles, West, Brown, Stulce, Fitzhugh, Kent, Hargett, Phelan and Ridgeway as prime sponsor(s).

House Bill No. 2076: Rep(s). S. Jones as prime sponsor(s).

House Bill No. 2249: Rep(s). Wood as prime sponsor(s).

House Bill No. 2333: Rep(s). Cooper as prime sponsor(s).

House Bill No. 2351: Rep(s). Curtiss, White, Walker(Rhea), Mumpower, Hargrove, Rhinehart, Lewis, Ferguson, Maddox, Fitzhugh, Pinion, Sands, Bone and Cole(Dyer) as prime sponsor(s).

House Bill No. 2421: Rep(s). Goins as prime sponsor(s).

House Bill No. 2473: Rep(s). Ridgeway as prime sponsor(s).

House Bill No. 2591: Rep(s). Stamps as prime sponsor(s).

House Bill No. 2904: Rep(s). Cooper as prime sponsor(s).

House Bill No. 2906: Rep(s). Cooper as prime sponsor(s).

House Bill No. 2908: Rep(s). Cooper as prime sponsor(s).

House Bill No. 2909: Rep(s). Cooper and McMillan as prime sponsor(s).

House Bill No. 2942: Rep(s). Walker(Rhea) as prime sponsor(s).

House Bill No. 3141: Rep(s). Walker(Blount) as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Walker(Rhea) was/were removed as sponsor(s) of **House Bill No. 2670.**

**MESSAGE FROM THE GOVERNOR
February 20, 1998**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 503, 506, 508, 509, 510 and 526, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

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**REPORT OF CHIEF ENGROSSING CLERK
February 20, 1998**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 3210.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS
February 23, 1998**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 2161, 2791 and 3089.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
February 23, 1998**

The Speaker signed the following: House Bill(s) No(s). 2161, 2791 and 3089.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
February 23, 1998**

MR. SPEAKER: I am directed to request the return of Senate Bill(s) No(s). 2607 for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
February 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 517, 521, 522 and 523; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
February 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2247, 2486 and 2554; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
February 23, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 404, 409, 442, 443, 447, 449 and 450; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 404** -- Highway Signs - "Charles A. Davis Memorial Bridge," S.R. 99, Buffalo River, Lewis County. by *Springer.

***Senate Joint Resolution No. 409** -- Highway Signs - Designates I-140 as "Interstate 140/Pellissippi Parkway." by *Clabough, *Koella, *McNally.

Senate Joint Resolution No. 442 -- Memorials, Retirement - Rachel Touchton. by *Henry, *Dixon.

Senate Joint Resolution No. 443 -- Memorials, Death - Dr. Thomas Frist, Sr. and Dorothy Harrison Cate Frist. by *Henry, *Atchley, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 447 -- Memorials, Public Service - James Rivera, Prudential Spirit of Community Award. by *Graves.

Senate Joint Resolution No. 449 -- Memorials, Professional Achievement - Mike Scudder, "Tennessee's 1998 Pork All-American. by *Rochelle.

Senate Joint Resolution No. 450 -- Naming and Designating - "Police Memorial Day," May 13, 1998; "Police Memorial Week," May 11-17, 1998. by *Burks, *Atchley, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

MESSAGE FROM THE SENATE
February 23, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2237, 2255, 2267, 2396, 2405, 2419, 2498, 2617, 3068, 3085 and 3088; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 2237 -- Purchasing - Increases amount of money that can be spent on informal purchases and small purchases; authorizes commissioner of general services to enter into cooperative purchasing agreements. Amends TCA Title 12, Chapter 3. by *Fowler, *Atchley.

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***Senate Bill No. 2255** -- Motor Vehicles - Authorizes department of safety to test applicants for reinstated or original motorcycle operator license for knowledge of motorcycle skills and requirements. Amends TCA Section 55-51-107. by *Womack.

***Senate Bill No. 2267** -- Bail, Bail Bonds - Requires professional bondsman arrested for felony or Class A misdemeanor to notify and provide information concerning arrest to each court before which bondsman qualified to practice. Amends TCA Title 40, Chapter 11, Part 3. by *Cohen.

***Senate Bill No. 2396** -- Local Education Agency - Requires majority of all members constituting board to transact all business coming before board in regular or special meetings instead of majority of quorum. Amends TCA Section 49-2-202. by *Graves, *Atchley.

***Senate Bill No. 2405** -- Driver Licenses - Allows for issuance of restricted license for driver involved in, but not responsible for, accident involving personal injury or property damage. Amends TCA Title 55, Chapter 50, Part 5. by *Womack.

***Senate Bill No. 2419** -- Insurance, Health, Accident - Revises requirements concerning overinsurance; defines "earned income" and "overinsurance." Amends TCA Section 56-26-109. by *Atchley.

***Senate Bill No. 2498** -- Taxes, Gasoline, Petroleum Products - Exempts from gasoline tax gasoline used in manufacture of pre-mixed two-cycle engine fuel. Amends TCA Title 67, Chapter 3, Part 15 and Section 67-6-329. by *Henry.

***Senate Bill No. 2617** -- Bail, Bail Bonds - Requires person petitioning to become professional bondsman to attach affidavit containing copy of person's criminal history, if any, as maintained by local law enforcement agency. Amends TCA Title 40, Chapter 11, Part 3. by *Haynes.

***Senate Bill No. 3068** -- Highway Signs - "Admiral Frank B. Kelso Highway," S.R. 50, Lincoln County. by *Cooper, *Womack.

Senate Bill No. 3085 -- Highway Signs - City of Ripley, I-40, Exit 56, Haywood County. by *Leatherwood.

Senate Bill No. 3088 -- Regional Authorities - Revises allocation of Giles County's portion of remaining funds distributed to counties following abolition of Tennessee Elk River Agency. Amends Chapter 816 of the Public Acts of 1996. by *Cooper.

**SIGNED
February 23, 1998**

The Speaker signed the following: Senate Bill(s) No(s). 2079, 2288 and 2307; also, Senate Joint Resolution(s) No(s). 349, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 436, 438, 441 and 445.

PERSONAL ORDERS

BILL RECALL REQUESTED

Rep. Lewis requested that House Bill No. 3210 be recalled from the Governor, which motion prevailed.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 26, 1998:

House Resolution No. 161 -- Memorials, Death - Frances Thelma "Snooks" Woodside Lockhart Fouch. by *Buck.

House Joint Resolution No. 541 -- Memorials, Recognition and Thanks - Don Cartee. by *McDaniel.

House Joint Resolution No. 542 -- Memorials, Professional Achievement - Gary Hood, President, Tennessee Fair Association. by *Walker (Rhea).

House Joint Resolution No. 543 -- Memorials, Personal Occasion - Leonard and Elizabeth Pruitt, 50th Anniversary. by *Hood, *Eckles.

House Joint Resolution No. 544 -- Memorials, Retirement - Joe Reeves. by *Hood, *Eckles, *Sargent.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for February 26, 1998:

Senate Joint Resolution No. 442 -- Memorials, Retirement - Rachel Touchton. by *Henry, *Dixon.

Senate Joint Resolution No. 443 -- Memorials, Death - Dr. Thomas Frist, Sr. and Dorothy Harrison Cate Frist. by *Henry, *Atchley, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 447 -- Memorials, Public Service - James Rivera, Prudential Spirit of Community Award. by *Graves.

Senate Joint Resolution No. 449 -- Memorials, Professional Achievement - Mike Scudder, "Tennessee's 1998 Pork All-American. by *Rochelle.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3372 -- Benton - Subject to local approval, creates civil service commission. by *Newton.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2132** -- Sunset Laws - Air pollution control board, June 30, 2001. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 201. by *Springer, *Dixon.

***Senate Bill No. 2134** -- Sunset Laws - Solid waste disposal control board, June 30, 2001. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 211. by *Springer, *Dixon.

***Senate Bill No. 2135** -- Sunset Laws - Ground water management review board, June 30, 2001. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 11. by *Springer, *Dixon.

***Senate Bill No. 2271** -- County Government - Removes requirement that each employee be given copy of county personnel policy; replaces requirement with provision requiring employee access to copy of such policy. Amends TCA Section 5-23-107. by *Kurita.

Senate Bill No. 2272 -- Contractors - Exempts Houston County (1) from requirement that persons building dwellings on private property for resale be licensed and (2) from requiring contractors in Houston County building dwellings or residences on private property for resale, lease, rent or other similar purposes to submit evidence of qualification to engage in contracting or be licensed. Amends TCA Title 62, Chapter 6. by *Kurita.

***Senate Bill No. 2407** -- Schools, Private and Charter - Updates references to accrediting agencies for private business schools. Amends TCA Section 49-4-301. by *Womack.

***Senate Bill No. 2432** -- Zoning - Permits city board of zoning appeals to have three, five or nine members rather than three or five members. Amends TCA Title 13, Chapter 7, Part 2. by *Crutchfield, *Fowler.

***Senate Bill No. 2530** -- Utilities, Utility Districts - Authorizes water and/or sewer utility, operated by metropolitan government, to participate with local housing authority to provide certain services. Amends TCA Title 7, Chapter 3, Part 3. by *Rochelle.

Senate Bill No. 2571 -- Municipal Government - Clarifies authority of mayor-alderman governing body to adopt matters other than ordinances on one day; ordinances still require action on 2 separate days; requires all votes on all matters to be recorded; permits body to provide by ordinance for municipal court costs. Amends TCA Section 6-2-102 and Section 6-2-201. by *Haun.

***Senate Bill No. 2595** -- Uniform Commercial Code - Rewrites UCC law on letters of credit. Amends TCA Title 47, Chapter 5; Section 47-1-105(2); Section 47-1-206(2); Section 47-4-104(6); Section 47-5-114; and Title 47, Chapter 9. by *Herron.

***Senate Bill No. 2607** -- Motor Vehicles - Revises from one day to seven days time within which local law enforcement agency should forward written report of motor vehicle accident to department of safety; requires department to monitor timeliness of forwarding of such reports. Amends TCA Section 55-10-108. by *Herron.

Senate Bill No. 2858 -- Tennessee Wildlife Resources Agency - Requires financial reports to be provided on request of members of general assembly rather than at discretion of governor. Amends TCA Title 70. by *Springer, *Dixon.

Senate Bill No. 2869 -- Administrative Procedure - Specifies that functions or duties of departments or agencies of state government that have been transferred to another department or agency will be subject to review by government operations committees within two years of such transfer. Amends TCA Title 4, Chapter 29. by *Springer, *Dixon.

***Senate Bill No. 2963** -- Housing - Removes conflict of interest provision that applies specifically to housing authorities; specifies that housing authority personnel subject to same conflict of interest provisions governing other public contracts. Amends TCA Title 13, Chapter 20. by *Gilbert.

***Senate Bill No. 3052** -- Water - Requires water quality control board to establish notification registry to ensure any affected member of public notified ten days before any public hearing conducted on proposed board action. Amends TCA Title 69, Chapter 3. by *Springer, *Dixon.

Senate Bill No. 3093 -- Parks, Natural Areas Preservation - Increases acreage and adds new areas to designated natural areas administered by department of environment and conservation. Amends TCA 11-14-108. by *Elsea, *Atchley, *Cooper, *Crowe, *Williams, *Rochelle, *Springer, *Womack.

***Senate Bill No. 3151** -- Education, Higher - Rewrites portions of BEST program. Amends TCA Sections 49-7-802, 49-7-805(16), 49-7-807, 49-7-809(d), 49-7-809(e) and 49-7-810(c). by *Haynes, *Dixon.

Senate Bill No. 3163 -- Bond Issues - Permits funding board to issue debt for discount and costs of issuance. Amends TCA Title 9, Chapter 9. by *Henry.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3371 -- McKenzie -- Local Bill Held on House Desk

CAPTION BILLS REFERRED
February 20, 1998

Pursuant to **Rule No. 47**, the following Caption Bill(s), 2601 held on the Clerk's desk were referred to the following Committee(s):

***House Bill No. 2601** -- Consumer Protection -- House Consumer & Employee Affairs Committee

CONSENT CALENDAR

***House Bill No. 3035** -- Bond Issues - Permits funding board to issue debt for discount and costs of issuance Amends TCA Title 9, Chapter 9. by *Kisber. (SB3163 by *Henry)

On motion, House Bill No. 3035 was made to conform with **Senate Bill No. 3163**; the Senate Bill was substituted for the House Bill.

House Bill No. 2481 -- Veterinarians - Adds licensed animal technician member to board of veterinary medical examiners. Amends TCA Title 63, Chapter 12. by *Garrett. (*SB2524 by *Springer)

***House Bill No. 2483** -- Lands, Public - Authorizes acquisition, construction and maintenance of public art to be financed with general obligation bonds. Amends TCA Title 9, Chapter 21. by *Garrett. (SB2892 by *Henry)

House Bill No. 2614 -- Highway Signs - "Historic Mansker Station Frontier Life Center," I-65, Exit 97, Sumner County. by *Davidson, *Garrett, *McDonald. (*SB2904 by *Graves, *Haynes)

On motion, House Bill No. 2614 was made to conform with **Senate Bill No. 2904**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2216** -- Water Pollution - Rewrites certain drinking water system definitions and requirements. Amends TCA Title 68, Chapter 221, Part 7. by *McAfee, *McDaniel. (SB2231 by *Gilbert, *Atchley)

On motion, House Bill No. 2216 was made to conform with **Senate Bill No. 2231**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2221** -- Banks and Financial Institutions - Permits department of financial institutions and other bank supervisory agencies to share portion of fees paid by Tennessee banks with branches in other states. Amends TCA 45-2-1408(f). by *Sargent, *McDaniel. (SB2236 by *Carter, *Atchley)

On motion, House Bill No. 2221 was made to conform with **Senate Bill No. 2236**; the Senate Bill was substituted for the House Bill.

House Bill No. 2071 -- Utilities, Utility Districts - Changes procedures and policies for filling positions on board of commissioners for water utility districts lying in Franklin County. Amends TCA Section 7-82-307(ff). by *Fraleigh. (*SB2065 by *Cooper)

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On motion, House Bill No. 2071 was made to conform with **Senate Bill No. 2065**; the Senate Bill was substituted for the House Bill.

***House Joint Resolution No. 436** -- Memorials, Congress - Urges repeal of Internal Revenue Service Code and adoption of more equitable form of taxation. by *McDaniel, *Garrett.

House Joint Resolution No. 540 -- Memorials, Personal Occasion - J. R. and Frances Ellis, 60th wedding anniversary. by *Davidson.

House Bill No. 2987 -- Byrdstown - Subject to local approval, changes date for ratification of revised charter Amends Chapter 88 of the Private Acts of 1997. by *Winningham. (SB3243 by *Burks)

House Bill No. 3038 -- Rutherford County - Subject to local approval, authorizes local purpose tax. Amends Chapter 215 of Private Acts of 1996. by *Eckles, *Hood, *Beavers. (SB3115 by *Womack)

House Bill No. 3369 -- Berry Hill - Subject to local approval, revises charter to bring certain employees into civil service and pensions program. - Repeals Chapter 367 of the Private Acts of 1953. by *Pruitt. (SB3367 by *Henry)

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 973 -- Firefighters - Requires referendum before fire protection service may be privatized. by *West, *Bowers. (*SB893 by *Dixon)

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Further consideration of House Bill No. 973, previously considered on May 27, 1997, and reset to today's Calendar.

Rep. West moved that House Bill No. 973 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 1133 -- Annexation - Provides certain additional means for determining compensation in cases of annexation wherein annexed territory, at time of annexation, is being provided with electric service by state instrumentality. Amends TCA Title 6, Chapter 51. by *Gunnels, *Kerr. (*SB922 by *Miller J)

Rep. Gunnels moved that House Bill No(s). 1133 be reset for the Regular Calendar on March 2, 1998, which motion prevailed.

***House Bill No. 1738** -- Bankruptcy - Revises property exemptions under bankruptcy law. Amends TCA Title 26, Chapter 2. by *Stulce. (SB1986 by *Ford J)

Rep. Stulce moved that House Bill No. 1738 be passed on third and final consideration, which motion prevailed by the following vote:

Rep. Stulce moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Stulce moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 4 as House Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1738 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 26-2-102, is amended by deleting the words, figures and symbol "four thousand dollars (\$4,000)" and by substituting instead the words, figures and symbol "eight thousand dollars (\$8,000)".

SECTION 2. (a) Tennessee Code Annotated, Section 26-2-301, is amended in subsection (a) by deleting the words and figures "seven thousand five hundred dollars (\$7,500)" and by substituting instead the words and figures "fifteen thousand dollars (\$15,000)".

(b) Tennessee Code Annotated, Section 26-2-301, is further amended in subsection (a) by deleting the words and figures "five thousand dollars (\$5,000)" wherever they may be found and by substituting instead the words and figures "seven thousand five hundred dollars (\$7,500)".

SECTION 3. Tennessee Code Annotated, Section 26-2-301, is further amended by adding a new subsection thereto, as follows:

(e) The homestead exemption provided in this section shall apply to a manufactured home, as defined in Tennessee Code Annotated, Section 68-126-202, when such manufactured home is used as the residence of the debtor.

SECTION 4. Tennessee Code Annotated, Section 26-2-111(2)(B), is amended by deleting the words, figures and symbol "seven thousand five hundred dollars (\$7,500)" and by substituting instead the words, figures and symbol "ten thousand dollars (\$10,000)".

SECTION 5. Tennessee Code Annotated, Section 26-2-111(2)(C), is amended by deleting the words, figures and symbol "ten thousand dollars (\$10,000)" and by substituting instead the words, figures and symbol "fifteen thousand dollars (\$15,000)".

SECTION 6. This act shall take effect July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Stulce moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Jackson moved the previous question, which motion prevailed.

Rep. Stulce moved that **House Bill No. 1738**, as amended, be passed on third and final consideration, which motion failed by the following vote:

Ayes.....	41
Noes	46
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Bird, Bowers, Brooks, Brown, Buck, Cooper, Curtiss, DeBerry J., DeBerry L., Dunn, Fowlkes, Fraley, Haley, Hargett, Hargrove, Hassell, Jackson, Jones S., Kernell, Kisber, Langster, McAfee, McMillan, Miller, Newton, Odom, Phillips, Pleasant, Sands, Scroggs, Sharp, Stulce, Tindell, Towns, Turner (Shelby), Walker (Rhea), West, Williams, Winningham -- 41.

Representatives voting no were: Beavers, Bittle, Bone, Boyer, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Davidson, Davis, Eckles, Ferguson, Fitzhugh, Ford, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Head, Hood, Huskey, Kent, Kerr, Maddox, McDaniel, McDonald, Mumpower, Patton, Phelan, Pinion, Ridgeway, Rinks, Ritchie, Roach, Sargent, Stamps, Turner (Hamilton), Walker (Blount), Walley, Westmoreland, White, Windle, Wood, Mr. Speaker Naifeh -- 46.

Representatives present and not voting were: Lewis, Pruitt, Rhinehart, Whitson -- 4.

A motion to reconsider was tabled.

Having failed to receive a constitutional majority, House Bill No. 1738 was re-referred to the Committee on Calendar and Rules.

***House Bill No. 2274** -- Regional Authorities - Authorizes human resource agencies to make contracts for purposes of obtaining financial assistance for acquisition, improvement, construction, operation, maintenance or repair of facilities. Amends TCA Title 13, Chapter 26, Part 1. by *Rhinehart. (SB2303 by *Haun)

On motion, House Bill No. 2274 was made to conform with **Senate Bill No. 2303**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that Senate Bill No. 2303 be passed on third and final consideration.

Rep. Gunnels moved the previous question, which motion prevailed.

Rep. Rhinehart moved that **Senate Bill No. 2303** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Brooks -- 1.

A motion to reconsider was tabled.

House Bill No. 2688 -- Taxes, Sales - Clarifies that leases of farm equipment between subsidiary and parent companies are tax exempt Amends TCA Section 67-6-207. by *Rhinehart. (*SB2456 by *Cooper)

Rep. Rhinehart moved that **House Bill No. 2688** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell,

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Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Tindell -- 1.

A motion to reconsider was tabled.

***House Bill No. 2076** -- Death - Allows nurse to make determination of death under certain circumstances. Amends TCA Title 68, Chapter 3, Part 5. by *Garrett, *Odom, *Ridgeway. (SB2141 by *Henry)

Rep. Garrett moved that House Bill No. 2076 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2076 By deleting in the amendatory language of Section 1 the language and punctuation ", or licensed practical nurse acting under the direction of a registered nurse,".

AND FURTHER AMEND by deleting subdivision (2) of Section 1 in its entirety and by substituting instead the following:

(2) Death was anticipated, and the attending physician and/or the hospice medical director has agreed in writing to sign the death certificate. Such agreement by the attending physician or hospice medical director must be present and with the deceased at the place of death;

On motion, Amendment No. 1 was adopted.

Rep. Garrett moved that **House Bill No. 2076**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce,

Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2351** -- Interstate Compacts - Enacts "Southern Dairy Compact." Amends TCA Title 43. by *Givens, *Newton. (SB2489 by *Haun)

Rep. Givens moved that House Bill No. 2351 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2351 By adding the following as a new section to precede the effective date section:

SECTION ____ . Tennessee Code Annotated, Section 4-29-221(a), is amended by adding the following as a new subdivision thereto:

() Southern dairy compact, created by Section 2 of this act;

On motion, Amendment No. 1 was adopted.

Rep. Givens moved that **House Bill No. 2351**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2609 -- Highways, Roads and Bridges - Equalizes speed limits for cars and trucks on state highways. Amends TCA Section 55-8-152. by *McDaniel. (*SB2871 by *Springer)

Rep. McDaniel moved that **House Bill No. 2609** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	84
Noes	4
Present and not voting	2

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Buck, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McMillan, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walley, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Arriola, Brown, Towns, West -- 4.

Representatives present and not voting were: Brooks, Miller -- 2.

A motion to reconsider was tabled.

***House Bill No. 2121** -- Agriculture - Sets maximum fee of \$25.00 for florists for agricultural regulation. Amends TCA Section 43-6-102 and 43-1-703(f). by *Ridgeway. (SB2483 by *Williams)

Rep. Ridgeway moved that **House Bill No. 2121** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce,

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Representatives present and not voting were: Garrett -- 1.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2591** -- Highway Signs - "Bledsoe Creek State Park," I-40, S.R. 109 Exit and U.S. 231 Exit; I-65, S.R. 109 Exit, S.R. 52 Exit and S.R. 25 Exit. by *McDonald, *Bone. (SB2903 by *Graves, *Haynes)

On motion, House Bill No. 2591 was made to conform with **Senate Bill No. 2903**; the Senate Bill was substituted for the House Bill.

Rep. McDonald moved that Senate Bill No. 2903 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. McDonald moved that **Senate Bill No. 2903** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1262** -- Agriculture - Creates agricultural resources conservation fund. Amends TCA Section 67-4-409. by *Bittle, *Haley, *Hargett, *Pleasant, *McDaniel, *Stamps, *Walley, *Ford S, *Wood, *Patton, *Kerr, *Beavers, *Kent, *Bird, *Clabough (H), *McKee, *Newton, *Scroggs, *Godsey, *Halteman Harwell, *Walker (Rhea), *McAfee, *Mumpower, *Roach, *Boyer. (SB1662 by *Williams, *Elsea, *McNally, *Jordan, *Koella, *Atchley, *Person, *Haun, *Carter, *Ramsey, *Gilbert, *Miller J, *Fowler, *Leatherwood, *Crowe)

Rep. Bittle moved that House Bill No(s). 1262 be reset for the Regular Calendar on March 9, 1998, which motion prevailed.

***House Bill No. 2462** -- Water Pollution - Requires department of environment and conservation to conduct stream mapping project Amends TCA Title 69, Chapter 3. by *McDonald, *Davidson, *Stamps. (SB2911 by *Graves)

Rep. McDonald moved that House Bill No. 2462 be passed on third and final consideration.

Rep. Odom moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2462 By deleting the language "Red River watershed" in the amendatory Section 69-3-301 in Section 1 and by substituting instead the language "Red River and Barren River watersheds".

AND FURTHER AMEND by deleting the language "Red River watershed" in the amendatory Section 69-3-303(1) in Section 1 and by substituting instead the language "Red River and Barren River watersheds".

On motion, Amendment No. 1 was adopted.

Rep. Odom moved adoption of Conservation and Environment Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2462 By deleting the amendatory Section 69-3-302 in Section 1 in its entirety and by substituting instead the following:

Section 69-3-302. As used in this act, unless the context otherwise requires, "stream mapping" means the collection and analysis of water samples along streams that normally exhibit water flow at least six (6) consecutive months per year within a given area.

On motion, Amendment No. 2 was adopted.

Rep. McDonald moved that **House Bill No. 2462**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2209** -- Commerce and Insurance, Dept. of - Permits division of regulatory boards to assess departmental costs incurred during disciplinary proceedings upon sanctioned person or entity. Amends TCA Title 56, Chapter 1, Part 3. by *Boyer, *McDaniel. (SB2224 by *Ramsey, *Atchley)

Further consideration of House Bill No. 2209, previously considered on February 19, 1998, and reset to today's Calendar.

Rep. Boyer moved that House Bill No(s). 2209 be reset for the Regular Calendar on March 11, 1998, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Stulce moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 457 out of order, which motion prevailed.

Senate Joint Resolution No. 457 -- Naming and Designating - "James Porter Franklin Middle School." by *Crutchfield, *Atchley, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Stulce, the resolution was concurred in.

A motion to reconsider was tabled.

ENGROSSED BILLS
February 23, 1998

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2076, 2121, 2351, 2462, 2481, 2483, 2609, 2688, 2987, 3038 and 3369, also, House Joint Resolution(s) No(s). 436 and 540.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

RECESS MOTION

On motion of Rep. Hargrove the House recessed until 9:00 a.m., Thursday, February 26, 1998.